

November 30, 2004
Case No. FR 000079 (7790/351)
Serial No.: 09/933,552
Filed: August 20, 2001
Page 5 of 8

REMARKS/DISCUSSION OF ISSUES

In the Final Office Action, Examiner Lamarre rejected claims 12-22 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,625,223 to *Wimmer et al.* The Applicant hereby traverses this obviousness rejection of claims 12-22 and respectfully requests reconsideration and further examination of the present application under 37 CFR § 1.116.

Specifically, the Applicant has thoroughly considered Examiner Lamarre's remarks concerning the patentability of claims 12-22 over *Wimmer*. The Applicant has also thoroughly read *Wimmer*. To warrant this 35 U.S.C. §103(a) rejection of claims 12-22, all the claim limitations recited in independent claims 12 and 17-19 must be taught or suggested by *Wimmer*. See, MPEP §2143. The Applicant respectfully traverses this §103(a) rejection of claims 12-22, because *Wimmer* fails to teach or suggest the following limitations of independent claims 12 and 17-19:

1. "means for validating the transmitted series of information signals even if the error indication is produced by the integrity verification means" as recited in independent claim 12;
2. "means for inserting positioning information into a header of the transmitted series of information signals wherein an error indication is produced in response to a reception by a receiver of the transmitted series of information that is in non-conformity with the positioning information whereby the useful data is accepted as a function of a robust mode despite the production of the error indication" as recited in amended independent claim 17;

November 30, 2004
Case No. FR 000079 (7790/351)
Serial No.: 09/933,552
Filed: August 20, 2001
Page 6 of 8

3. "means for validating the transmitted series of information signals even if the error indication is produced by the integrity verification means" as recited in independent claim 18; and
4. "accepting the useful data as a function of a robust mode even if the error indication is produced" as recited in independent claim 19.

As to the traversal, Examiner Lamarre has correctly recognized *Wimmer's* failure to explicitly teach or suggest the aforementioned limitations of independent claims 12 and 17-19. A proper reading of *Wimmer* reveals that *Wimmer* also teaches away from the aforementioned limitations of independent claims 12 and 17-19

Specifically, Examiner Lamarre respectfully asserts that a teaching by *Wimmer* of how to determine a segment length field MPL when the check information Ki is not decoded essentially teaches a validation of data that has produced an error indication. The Applicant respectfully asserts that Examiner Lamarre's assertion is misguided, because the determination of segment length field MPL when the check information Ki is not decoded has not relationship to a production of an error indication. A careful review of *Wimmer* reveals the fact that *Wimmer* teaches an error recognition and error correction for data of check information Ki that produces an error indication. See, *Wimmer* at column 3, lines 33-54. Thus, *Wimmer* teaches an invalidation of such data whereby the error can be recognized and corrected. This is in direct contradiction to the aforementioned limitations of independent claims 12 and 17-19, all of which require the data to be accepted and validated without any corrections although the data has produced an error indication.

Withdrawal of the rejection of independent claims 12 and 17-19 under §103(a) as being unpatentable over *Wimmer* is therefore respectfully requested.

November 30, 2004
Case No. FR 000079 (7790/351)
Serial No. 09/933,552
Filed: August 20, 2001
Page 7 of 8

Claims 13-16 depend from independent claim 12. Therefore, dependent claims 13-16 include all of the elements and limitations of independent claim 12. It is therefore respectfully submitted by the Applicant that dependent claims 13-16 are allowable over *Wimmer* for at least the same reason as set forth herein with respect to independent claim 12 being allowable over *Wimmer*. Withdrawal of the rejection of dependent claims 13-16 under 35 U.S.C. §103(a) as being unpatentable by *Wimmer* is therefore respectfully requested.

Claims 20-22 depend from independent claim 19. Therefore, dependent claims 20-22 include all of the elements and limitations of independent claim 19. It is therefore respectfully submitted by the Applicant that dependent claims 20-22 are allowable over *Wimmer* for at least the same reason as set forth herein with respect to independent claim 19 being allowable over *Wimmer*. Withdrawal of the rejection of dependent claims 20-22 under 35 U.S.C. §103(a) as being unpatentable by *Wimmer* is therefore respectfully requested.

November 30, 2004
Case No. FR 000079 (7790/351)
Serial No.: 09/933,552
Filed: August 20, 2001
Page 8 of 8

SUMMARY

Examiner Lamarre's obviousness rejection of claims 12-22 has been obviated by remarks herein supporting an allowance of claims 12-22 over *Wimmer*. The Applicant respectfully submits that claims 12-22 as listed herein fully satisfy the requirements of 35 U.S.C. §§ 102, 103 and 112. In view of the foregoing, favorable consideration and early passage to issue of the present application is respectfully requested. If any points remain in issue that may best be resolved through a personal or telephonic interview, Examiner Lamarre is respectfully requested to contact the undersigned at the telephone number listed below.

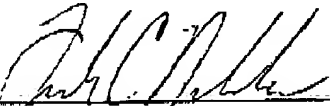
Dated: **November 30, 2004**

Respectfully submitted,
Yves Ramanzin

PHILIPS INTELLECTUAL PROPERTY
& STANDARDS
P.O. Box 3001
Briarcliff, New York 10510
Phone: (914) 333-9607
Fax: (914) 332-0615

Dicran Halajian
Registration No. 39,703
Attorney for Applicant

CARDINAL LAW GROUP
Suite 2000
1603 Orrington Avenue
Evanston, Illinois 60201
Phone: (847) 905-7111
Fax: (847) 905-7113


Frank C. Nicholas
Registration No. 33,983
Attorney for Applicant